

DRUG COURT DEFERRED JUDGMENT INFORMATION SHEET

If you have been charged with a crime involving possession of a controlled substance and/or possession of drug paraphernalia, you may be eligible to participate in the City of Wichita's Drug Court Deferred Judgment Program. If you successfully complete the Program, the charge(s) against you will be dismissed and you will not have a criminal conviction on your record.

If accepted onto this Program, you will enter a plea of guilty to the charges and sign an agreement saying you will be drug and alcohol free for one year. During that year, you will have to be in treatment, have monthly court review hearings and pass random urinalysis testing.

If you violate any of the conditions of the deferred judgment agreement, the Judge may impose sanctions to include jail time, community service, increased urinalysis, curfew, additional review hearings before the court, and increased reporting to treatment and/or probation officer.

Repeated noncompliance may result in termination from the Program. If terminated, the Court will impose judgment and sentence against you based upon your prior plea of guilty.

ELIGIBILITY: To be eligible for participation in the Deferred Judgment Program you must:

1. Never have participated in a Diversion or Deferred Judgment Program for a similar offense;
2. Live in Wichita or the immediately surrounding areas; and
3. Pay a \$25.00 non-refundable application fee.

TERMS AND CONDITIONS: Some of the Program's terms and conditions include:

1. No violations of the law of this state, municipality or other jurisdiction;
2. Refrain from all use of alcohol and/or drugs, unless prescribed by a physician;
3. PAY ALL COSTS, FEES AND FINES:

Fine	\$ 50.00
Deferred Judgment Fee	\$ 210.00
Application Fee	\$ 25.00
Court Costs	\$ <u>60.00*</u>
TOTAL	\$ 345.00

* You will be responsible for all additional court costs incurred during the course of your case.

4. Pay the total costs for treatment and random urinalysis testing;
5. Agree to waive your constitutional rights to a formal arraignment, speedy trial, appeal, a jury trial upon appeal, and representation by an attorney if you are appearing on your own behalf;
6. Successfully complete the treatment program ordered by the Court;
7. Attend all Drug Court review hearings;
8. Submit to random urinalysis testing as directed by the probation officer, treatment provider and/or the Court.

PROCEDURE: The attached application must be completed and submitted to the City Prosecutor's Office - 2nd Floor, City Hall, 455 N. Main, within 24 hours of your next court date.

CONSIDERATIONS: In considering whether a defendant should be placed in the Deferred Judgment Program, the City Attorney shall consider the following factors:

1. The nature of the crime charged and the circumstances surrounding it;
2. Any special characteristics or circumstances of the defendant;
3. Whether the defendant has previously participated in any drug diversion or drug deferred judgment program;
4. Whether there is a probability that the defendant will cooperate with and benefit from the Drug Court Program;
5. Recommendations, if any, of the involved law enforcement agency, the victim, and the treatment provider;
6. Provisions for restitution;
7. Any aggravating or mitigating circumstances;
8. Prior psychological, psychiatric and chemical treatments or counseling programs;
9. The defendant's criminal history, including whether defendant has any convictions for crimes against persons;
10. Availability of appropriate treatment and a treatment provider; and
11. The interests of justice.